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ProSource Performance Products, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Document Filed Electronically

:
ProSource Performance :
Products, Inc. :
:
Plaintiff, : Civil Action No: _____
:
V. : **Complaint and Jury Demand**
:
ProSource Discounts, Inc. :
:
Defendant. :
:

Plaintiff, ProSource Performance Products, Inc. ("ProSource"), through its counsel, for its complaint against ProSource Discounts, Inc. ("Discounts"), says:

Nature of the Action

1. This is an action for trademark infringement and unfair competition stemming from ProSource Discount Inc.'s unlawful and unauthorized misappropriation of ProSource Performance Products, Inc.'s federally registered trademarks, common law marks, and goodwill. Such acts have injured ProSource Performance Inc.'s

business and goodwill, and unless restrained by this Court will continue to so damage ProSource Performance Products, Inc.

PARTIES

2. ProSource Performance Products, Inc. ("ProSource") is a New Jersey corporation having offices at 2231 Landmark Place, Manasquan, New Jersey 08736.

3. Upon information and belief, ProSource Discounts, Inc. ("Discounts") is a California corporation having offices at 8955 Fullbright Avenue, Chatsworth, California 91311.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the claims asserted in this action pursuant to 15 U.S.C. §1121 and 28 U.S.C. §§1331, 1332, and 1338.

5. This Court has supplemental jurisdiction over the claims of this Complaint that arise under the statutory and common law of the State of New Jersey pursuant to 28 U.S.C. §1367 since the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

6. Upon information and belief, Discounts transacts business in this District, has committed acts in this District, derives substantial revenue from intrastate and interstate commerce related to this District, has caused injury in this District, and is, and has been at all relevant times, subject to personal jurisdiction in the State and District of New Jersey.

7. Venue is proper in this judicial District pursuant to 28 U.S.C. §1391 as a substantial part of the events or omissions giving rise to the claims occurred in this District, including,

without limitation, Discounts' infringing advertising and sales in this District.

ProSource Performance Products, Inc.

8. ProSource was founded in New Jersey in 1996.

9. From its humble beginnings, ProSource has grown to become one of the nation's leading sources of nutritional supplements, fitness equipment, and apparel.

10. Indeed, through its www.prosource.net website, ProSource sells hundreds of goods.

11. ProSource also sells its goods through third party sellers such as Amazon (www.amazon.com), a relationship spanning back to 2005.

12. The range of fitness equipment currently sold by ProSource includes weight lifting straps, yoga mats, wrist wraps, jump ropes, resistance bands, and knee wraps.

13. ProSource has sold weight lifting straps and jump ropes continuously since at least 2001.

14. ProSource has sold yoga mats continuously since at least 2004.

15. The following is an excerpt from ProSource's 2004 catalog, clearly showing sales of weight lifting straps and yoga mats.

Lifting Strap **NEW**
Versatile straps provide extra security and a better grip when you're lifting particularly heavy weights. Extra width, strength and washable.
\$3⁷⁵
VAL006 Retail-\$6.00 Your Price \$3.75

All Purpose Glove with Wrist Strap **NEW**
High-performance lifting gloves with added wrist wrap for superior stability. Durable, washable padded leather, reinforced stitching, nylon mesh back, and $\frac{1}{4}$ fingers.
\$7⁹⁵
VAL005 Small Retail-\$9.00 Your Price \$7.95
VAL006 Medium Retail-\$9.00 Your Price \$7.95
VAL007 Large Retail-\$9.00 Your Price \$7.95
VAL008 X-Large Retail-\$9.00 Your Price \$7.95

Lifting Belt **NEW**
A must-have for every heavy lifter. Includes double-stitched, thick leather, padded back, double-prong buckle and soft suede lining.
\$14⁹⁵
VAL003 55cm 5'-5" Retail-\$19.00 Your Price \$13.95
VAL004 65cm 5'4"-6" Retail-\$19.00 Your Price \$13.95
VAL005 75cm 6'1"-6'8" Retail-\$19.00 Your Price \$13.95

Yoga Kit **NEW**
Complete kit for Yoga enthusiasts. Includes sticky mat with strap, two foam blocks, complete instruction chart and nylon tote bag.
\$19⁹⁵
VAL009 Retail-\$29.00 Your Price \$19.95

-800-310-1555 Guaranteed Lowest Prices

16. In the past, ProSource has sold other fitness equipment such as kettle bells and exercise balls.

17. ProSource has spent considerable monetary sums - in the range of millions of dollars - and efforts advertising and promoting its goods under the PROSOURCE mark.

18. ProSource's advertising includes hundreds of pages of print ad in national fitness magazines as well as major online digital targeting of fitness consumers worldwide.

19. These efforts, and the quality of ProSource's goods, have caused The PROSOURCE mark to become well known throughout the United States.

20. Indeed, ProSource has sales in each of the 50 states.

21. The purchasers of ProSource's nutritional supplements are the same purchasers as ProSource's fitness equipment, and vice versa.

ProSource's Marks

22. ProSource is the owner of U.S. Trademark Registration No. 2,303,469 for the mark PROSOURCE® for "nutritional supplements" in International Class 5. A copy of the trademark registration is provided as Exhibit A. U.S. Trademark Registration No. 2,303,469 issued on December 28, 1999, and identifies a date of first use of September 1996.

23. ProSource is the owner of U.S. Trademark Registration No. 2,278,959 for the mark PROSOURCE® for "mail order catalog services in the field of nutritional supplements" in International Class 5. A copy of the trademark registration is provided as Exhibit B. U.S. Trademark Registration No. 2,278,959 issued on September 21, 1999, and identifies a date of first use of September 15, 1996.

24. ProSource is the owner of U.S. Trademark Registration No. 4,583,704 for the mark PROSOURCE.NET® for "on-line retail store services featuring dietary and nutritional supplements" in International Class 35. A copy of the trademark registration is provided as Exhibit C. U.S. Trademark Registration No. 4,583,704 issued on August 12, 2014, and identifies a date of first use of 2003.

25. ProSource has also derived common law rights in the PROSOURCE mark for nutritional supplements, fitness equipment, and apparel

based on its continued use of the mark in association with the sale of such goods throughout the United States starting in 1996.

26. Other uses of the PROSOURCE mark include the PROSOURCE and DESIGN mark depicted below, identified hereinafter as "The ProSource Design Mark."



27. Of note, the red and black color scheme depicted in The ProSource Design Mark has been used since ProSource's inception in 1996.

28. Collectively the aforementioned marks are referred to herein as "The ProSource Marks." ProSource continues to use the The ProSource Marks throughout the United States.

Discounts' Early Activities

29. Upon information and belief, Discounts was founded in 2010.

30. At the time, and upon information and belief, Discounts sold a variety of goods including bubble making machines, toy scooters, yoga mats, and exercise equipment.

31. ProSource first learned of Discounts' use of The ProSource Marks and marks confusingly similar to The ProSource Marks in late 2012 or early 2013, while Discounts was publicly branded with the full name "ProSource Discounts."

32. In January 2013, ProSource wrote to Discounts in an effort to curtail its use of The ProSource Marks and those marks that are confusingly similar to The ProSource Marks.

33. Through its counsel, Discounts responded with correspondence stating that the ProSource goods and services were "in no way similar to [Discounts'] fitness equipment and toys as described in U.S. Registration No. 4,055,115 and Application No. 85/843980."

34. U.S. Registration No. 4,055,155 and Application No. 85/843980 include such goods as "toys, namely bubble making machines, toy scooters."

35. For the next several months the parties continued to coexist in the marketplace, with Discounts continuing to primarily sell toys and other non-fitness related goods in addition to its fitness related goods.

36. During this time, Discounts utilized the mark below, identified hereinafter as "The blue Discounts mark."



37. While differing in color from The ProSource Design Mark, The blue Discounts mark utilized the identical distinct spelling (one word) complete with capital "S" as in ProSource's genuine mark.

38. In February 2014, ProSource, through counsel, again wrote to Discounts to express concern over the competing marks.

39. In written response, Discounts' counsel advised that Discounts "sells a wide variety of products ranging from fitness equipment to baby toys and garden consumer goods. . . ProSource Discounts does not exclusively sell fitness equipment but instead the company has several divisions offering a diverse range of products."

40. Upon information and belief, Discounts did sell a large variety of goods in February 2014, only a small portion of which included fitness equipment.

41. In addition to the "baby toys and garden consumer goods" identified by counsel, and upon information and belief, Discounts also offered and sold at least electric griddles, flameless tea light candles, hammock stands, garment and clothing storage racks, fabric shade sails, and fabric tents.

Discounts' Continued Encroachment

42. Discounts has now ceased sale of all products apart from fitness equipment.

43. Discounts has also now ceased branding under the "ProSource Discounts" brand and has fully adopted the "Prosource," "ProSource Fitness," and "www.prosourcefit.com" brands.

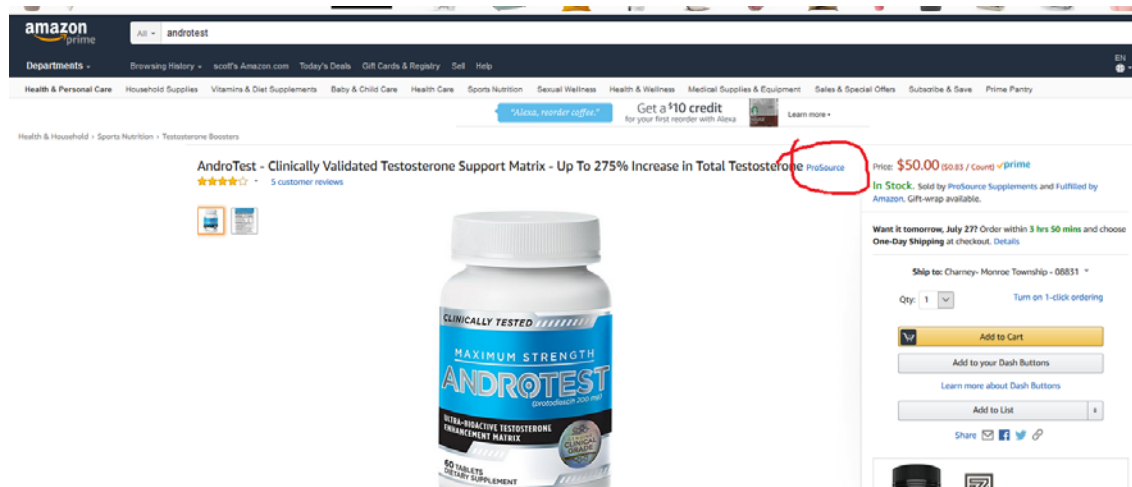
44. Discounts has also adopted the following mark, hereinafter referred to as "The Red Discounts Mark."



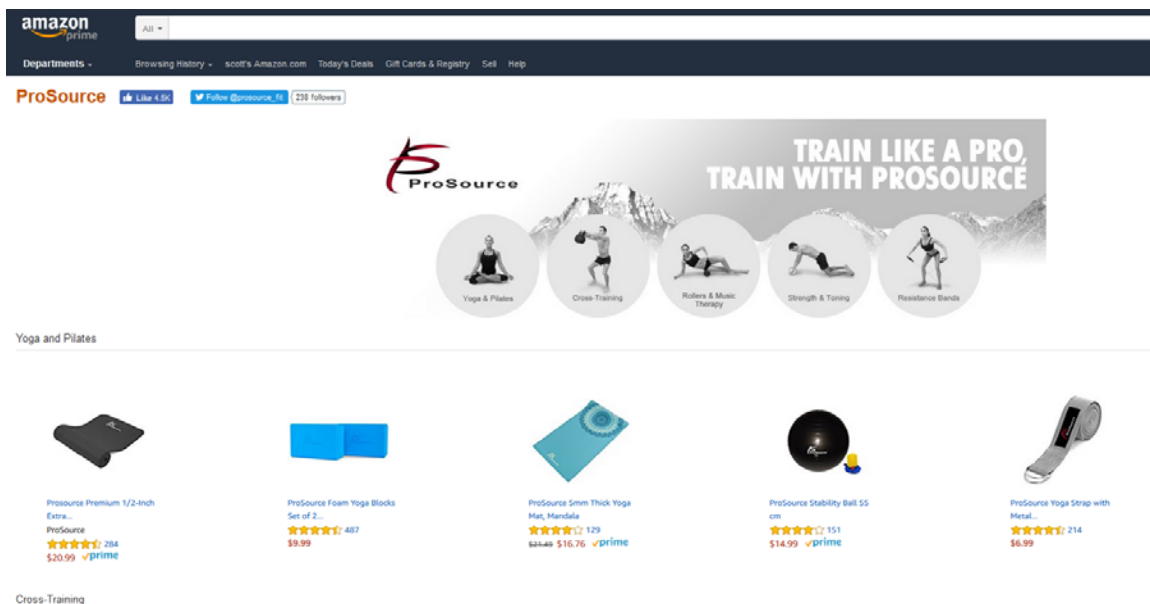
45. The Red Discounts Mark retains the identical distinct spelling (one word) complete with capital "S" as ProSource's genuine mark, and additionally adopts the color red as used by ProSource since 1996 rather than the blue previously utilized by Discounts.

46. Like ProSource, Discounts sells its goods through Amazon.

47. Below is a screen shot showing an example of a genuine ProSource product sold through the Amazon marketplace. Of note is the ProSource hyperlink just to the left of the price, annotated with a circle.



48. When a user clicks the ProSource link, the user is not brought to a genuine ProSource website, but rather is brought to the Discounts Amazon home page, a screenshot of which is shown below.



49. Upon information and belief, this false linking has been in place for no more than a few months.

50. This false linking diverts ProSource customers from genuine ProSource products to Discounts' products, and creates utter confusion in the marketplace.

51. Upon information and belief, no attempt has been made by Discounts to correct this pirating.

52. In addition to this false linking, ProSource and Discounts presently sell overlapping goods, creating confusion in the marketplace.

53. Exhibit D provides internet screenshots of overlapping goods of ProSource and Discounts in the form of weight lifting straps, yoga mats, wrist wraps, jump ropes, resistance bands, and knee wraps.

54. Discounts' use of The ProSource marks and marks confusingly similar to The ProSource Marks in association with fitness equipment causes detrimental effects on ProSource and the consuming public by creating an atmosphere of confusion, mistake, and uncertainty in the marketplace, and deceives customers as to the affiliation, connection, or sponsorship of Discounts with ProSource, or as to the origin, sponsorship, or approval of the fitness equipment offered by Discounts.

55. Indeed, there have been numerous other instances of actual confusion in the marketplace between goods marketed and sold by Discounts and ProSource.

56. Exhibit E provides redacted examples of several instances of actual confusion by customers of Discounts and those seeking to supply services to Discounts.

57. These instances of actual confusion are becoming more prominent and accordingly, more demanding on ProSource's resources and goodwill.

58. Discounts' unauthorized use of The ProSource Marks and marks confusingly similar to The ProSource Marks continues to create confusion in the marketplace and is likely to cause additional confusion.

59. Discounts' unauthorized use of The ProSource Marks and marks which are confusingly similar to The ProSource Marks falsely indicates to the consuming public that Discounts' activities are associated, affiliated, or connected with ProSource, or are sponsored or endorsed thereby.

60. Discounts' use of The ProSource Marks and marks which are confusingly similar to The ProSource Marks trades off the goodwill established by ProSource, and permits Discounts to benefit from such goodwill.

61. Discounts' unauthorized use of The ProSource Marks and marks which are confusingly similar to The ProSource Marks denies ProSource the ability to control the nature and quality of the goods provided under its marks, and places ProSource's valuable goodwill in the hands of Discounts.

62. Discounts has been unjustly enriched by its use of The ProSource Marks and marks which are confusingly similar to The ProSource Marks.

63. Despite notice of ProSource's rights, Discounts has not ceased nor desisted from its wrongful conduct, and indeed has continued to progressively encroach on the exclusive rights of ProSource.

64. Unless restrained by this Court, these acts will continue and will cause irreparable injury to ProSource and the general public for which there is no adequate remedy at law.

COUNT I

§32 OF THE LANHAM ACT

65. ProSource re-alleges and incorporates by reference herein the previous allegations contained in this Complaint.

66. ProSource's federal registrations on the Principal Register for PROSOURCE® and PROSOURCE.NET® are conclusive evidence of ProSource's exclusive right to use the marks, pursuant to the Lanham Act, 15 U.S.C. §1115.

67. Discounts' wrongful reproduction, counterfeit, copy, or colorable imitation of ProSource's marks, in connection with the offering for sale, sale, distribution, and/or advertising of goods, is likely to cause confusion, or to cause mistake, or to deceive as to origin, sponsorship, or approval of Discounts' goods in violation of the Lanham Act, 15 U.S.C. §1114.

68. The infringing acts committed by Discounts were committed willfully, knowingly, maliciously, and in conscious disregard of ProSource's rights.

69. Unless enjoined by this Court, such acts will continue to cause damages to ProSource and the consuming public.

70. Upon information and belief, Discounts' conduct, including continued infringement after notice, constitutes willful and malicious infringement of ProSource's marks under 15 U.S.C. §1114, rendering this case "exceptional under 15 U.S.C. §1117.

71. ProSource has no adequate remedy at law.

COUNT II

§43(a) OF THE LANHAM ACT

72. ProSource realleges and incorporates by reference herein the previous allegations contained in this Complaint.

73. The ProSource Marks are well established and serve to identify the goods that ProSource sponsors, approves, authorizes, and is associated or affiliated with.

74. The ProSource Marks have acquired distinctiveness and secondary meaning in connection with the goods they are registered for.

75. Discounts has actual knowledge of The ProSource Marks and is aware of the advertising and promotional activities of ProSource.

76. Discounts continues to use, and has expressed no desire to cease using, The ProSource Marks, or colorable imitations thereof, in advertising and promotion of Discounts' goods.

77. Such uses are likely to cause confusion, or cause mistake, or to deceive as to the affiliation, connection, or association of ProSource with Discount, and as to the origin, sponsorship, or approval of Discounts' goods and commercial activities by ProSource, in violation of §43(a) of the Lanham Act, 15 U.S.C. §1125(a).

78. Such uses constitute unfair competition in violation of §43(a) of the Lanham Act, 15 U.S.C. §1125(a).

79. Discounts' conduct represents a conscious and intentional effort to misappropriate ProSource's goodwill for the purpose of unjustly enriching Discounts, and unless restrained by this Court will continue to do so.

80. ProSource has no adequate remedy at law.

COUNT III

COMMON LAW UNFAIR COMPETITION

81. ProSource realleges and incorporates by reference herein the previous allegations contained in this Complaint.

82. The aforesaid acts of Discount constitute unfair competition and unfair business practices contrary to the common laws of the United States and the State of New Jersey.

83. The unfair business practices of Discount are continuous, deliberate, malicious, willful, knowing, and done in conscious disregard of ProSource's rights.

84. The aforesaid conduct of Discounts has caused, and unless retrained by this Court will continue to cause, immediate and irreparable injury to ProSource.

85. Discounts' infringement has caused ProSource to sustain monetary damage, loss, and injury in an amount to be determined.

86. ProSource has no adequate remedy at law.

COUNT IV

UNFAIR COMPETITION UNDER N.J.S.A. §56:4-1 et seq.

87. ProSource realleges and incorporates by reference herein the previous allegations contained in this Complaint.

88. Discounts' unauthorized use of The ProSource Marks or colorable imitations thereof in its advertising and other promotions constitutes acts of unfair competition through its appropriation for its own use ProSource's name, brand, trademark, reputation, and goodwill in violation of N.J.S.A. §56:4-1 et seq.

89. These acts of Discounts are continuous, deliberate, malicious, willful, knowingly, and done in conscious disregard of ProSource's rights.

90. The aforesaid conduct of Discounts has caused, and unless retrained by this Court will continue to cause, immediate and irreparable injury to ProSource.

91. ProSource has no adequate remedy at law.

COUNT V

DECEPTIVE TRADE PRACTICES UNDER NEW JERSEY COMMON LAW

92. ProSource realleges and incorporates by reference herein the previous allegations contained in this Complaint.

93. Discounts' unauthorized use of The ProSource marks in advertising constitutes deceptive trade practices in violation of the common law of the State of New Jersey.

94. Discounts' acts were and are committed willfully, knowingly, maliciously, and in conscious disregard of ProSource's rights.

95. Discounts' acts have caused, and unless restrained by this Court will continue to cause, immediate and irreparable injury to ProSource's property and business.

96. ProSource has no adequate remedy at law.

PRAYERS FOR RELIEF

WHEREFORE, ProSource respectfully requests that this Court:

A. Enter judgment that Discounts has violated 15 U.S.C. §1114 and/or 15 U.S.C. §1125(a).

B. Award preliminary and permanent injunction under 15 U.S.C. §1116(a), ordering Discounts and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert with them, to refrain from using, authorizing or employing, The ProSource Marks in association with the offering for sale, sale, distribution, and/or advertising of fitness equipment, and to file with the Court and serve on ProSource within thirty (30) days of service on Discount of such injunction a report in writing under oath setting forth in detail the manner and form in which Discount has complied with the injunction.

C. Award preliminary and permanent injunction under 15 U.S.C. §1116(a) ordering Discount and its respective officers, agents, servants, employees, and attorneys, and those persons in active concert with them, to refrain from using, authorizing or employing, any terms or phrases that are confusingly similar to The ProSource Marks in association with the offering for sale, sale, distribution, and/or advertising of fitness equipment.

D. Award damages to ProSource as provided under 15 U.S.C. §1117(a), including Discounts' profits, three times the actual damages sustained by ProSource, and reasonable attorney's fees to ProSource as the prevailing party, and/or if the Court shall find that the amount of recovery based on profits is inadequate, to award in its discretion a sum the Court finds just, according to the circumstances of this case.

E. Order that, pursuant to 15 U.S.C. §1118, all labels, signs, prints, packages, wrappers, receptacles, and advertisements in the possession of Discounts, bearing any of the The ProSource Marks, or any reproduction, counterfeit, copy, or colorable imitation thereof and all plates, molds, matrices, and other means of making or reproducing the same be delivered up to ProSource and destroyed.

F. Enter judgment that Discounts has violated N.J.S.A. §56:4-1 et seq. and/or New Jersey common law.

G. Award to ProSource compensatory, consequential, and/or incidental damages.

H. Award to ProSource treble, exemplary, and/or punitive damages.

I. Award to ProSource its reasonable attorney's fees and costs.

J. Award prejudgment and post judgment interest on the above monetary awards.

K. Provide such other relief as the Court deems equitable and just.

DEMAND FOR JURY TRIAL

ProSource demands a trial by jury of twelve on all issues so triable.

Respectfully submitted,

CHARNEY IP LAW LLC
Attorneys for Plaintiff,
ProSource.

Dated: August 16, 2017

By: ___/scott e. charney/___
Scott E. Charney

Tel: (908) 758-1374

E-mail: info@charneyiplaw.com

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, plaintiff or plaintiff's attorney is unaware of any other pending action, in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject.

Respectfully submitted,

CHARNEY IP LAW LLC
Attorneys for Plaintiff,
ProSource.

Dated: August 16, 2017

By: /scott e. charney/
Scott E. Charney

Tel: (908) 758-1374

E-mail: info@charneyiplaw.com

EXHIBIT A

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,303,469

United States Patent and Trademark Office

Registered Dec. 28, 1999

**TRADEMARK
PRINCIPAL REGISTER**

PROSOURCE

PROSOURCE PERFORMANCE PRODUCTS,
INC. (NEW JERSEY CORPORATION)
699 CROSS STREET, SUITE 2
LAKEWOOD, NJ 08701

FIRST USE 9-0-1996; IN COMMERCE
9-0-1996.

SER. NO. 75-431,824, FILED 2-10-1998.

FOR: NUTRITIONAL SUPPLEMENTS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

ODETTE BONNET, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,278,959

Registered Sep. 21, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

PROSOURCE

PROSOURCE PERFORMANCE PRODUCTS,
INC. (NEW JERSEY CORPORATION)
699 CROSS STREET, SUITE 2
LAKEWOOD, NJ 08701

MENTS, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 9-15-1996; IN COMMERCE
9-15-1996.

FOR: MAIL ORDER CATALOG SERVICES
IN THE FIELD OF NUTRITIONAL SUPPLE-

SER. NO. 75-439,998, FILED 2-25-1998.

ODETTE BONNET, EXAMINING ATTORNEY

EXHIBIT C

United States of America

United States Patent and Trademark Office

PROSOURCE.NET

Reg. No. 4,583,704

Registered Aug. 12, 2014

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

PROSOURCE PERFORMANCE PRODUCTS, INC. (NEW JERSEY CORPORATION)
2231 LANDMARK PLACE
MANASQUAN, NJ 08736

FOR: ON-LINE RETAIL STORE SERVICES FEATURING DIETARY AND NUTRITIONAL
SUPPLEMENTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-2003; IN COMMERCE 0-0-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,278,959 AND 2,303,469.

SER. NO. 86-145,637, FILED 12-17-2013.

ELIZABETH HUGHITT, EXAMINING ATTORNEY




Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

EXHIBIT D

Weight Lifting Straps



FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95


Order Toll Free 1-800-310-1555

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PROSOURCE PADDED BASIC LIFTING STRAPS



BY PROSOURCE | ITEM PSP163

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FLAVOR	AVAILABILITY	QTY
1 PAIR	MSRP: \$9.95	SALE: \$8.95

Padded Basic Lifting Straps IN STOCK 1

ADD TO CART

Padded Basic Lifting Straps

Description


Q & A

Usage

Reviews

Basic Padded Lifting Straps

This wrist support offers the same design and durability as the basic strap with an added 1/8" neoprene padding added for comfort. Poly-acrylic webbing provides ultimate grip.



FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95


Order Toll Free 1-800-310-1555

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PROSOURCE POWER LIFTING STRAP



BY PROSOURCE | ITEM PSP123

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FLAVOR	AVAILABILITY	QTY
1 STRAP(S)	MSRP: \$24.95	SALE: \$19.95

Prosource Lifting Strap IN STOCK 1

ADD TO CART

Prosource Lifting Strap

Description

Q & A

Usage

Reviews

Lifting Strap
by ProSource

These one-size-fits-all wrist supports are handcrafted with 1/4" neoprene padding for the ultimate comfort. Extra wide support strap provides maximum support for your wrists. The Velcro at the end of the strap can be quickly and easily secured to the wrist when using for exercises where straps are not needed.

These superior quality Schick® brand nylon lifting straps proudly displays the ProSource logo, embroidered for quality and durability.

Yoga Mats

FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95

Order Toll Free 1-800-310-1555

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VALEO YOGA KIT



BY VALEO | ITEM VAL008


[ADD TO CART](#)

FLAVOR	AVAILABILITY	QTY
1 EACH(\$)	MSRP : \$35.13	SALE : \$24.95
Yoga Kit	IN STOCK	<input type="text" value="1"/>
ADD TO CART		

Description

Q & A

Usage

Reviews

Yoga Kit includes:

- 24" x 68" mat
- 72" woven cotton strap with buckle
- Two firm foam blocks 3" x 6" x 9"
- Nylon tote bag with shoulder strap
- Yoga instructional chart

Yoga Kit Includes:

- 24" x 68" mat
- 72" woven cotton strap with buckle
- Two firm foam blocks 3" x 6" x 9"
- Nylon tote bag with shoulder strap
- Yoga instructional chart

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"Alexa, reorder coffee." Get a \$10 credit for your first reorder with Alexa. [Learn more](#)

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Roll over image to zoom in

ProSource

ProSource Yoga Mats 3/16" (5mm) Thick for Comfort & Stability with Exclusive Printed Designs

★★★★★ 129 customer reviews | 11 answered questions

List Price: \$24.49

Price: \$16.76 & FREE Shipping on orders over \$25. Details

You Save: \$4.73 (22%)

Get \$10 off instantly: Pay \$6.76 upon approval for the Amazon.com Store Card.

prime | Try Fast, Free Shipping

In Stock.

 Want it tomorrow, July 25? Order within 4 hrs 12 mins and choose One-Day Shipping at checkout. Details
 Ships from and sold by Amazon.com. Gift-wrap available.

Color: Mandala



- **ULTIMATE COMFORT** - 3/16"(5mm) thickness offers comfort plus stability, and the 68" L x 24" W size fits a variety of users
- **STYLISH STABILITY** - 6 inspired designs capture yoga's values & essence on a non-slip surface with superior traction
- **MOISTURE-RESISTANT** - Hygienic mats have a moisture-resistant coating to prevent odor and bacteria for easy care
- **LIGHTWEIGHT** - Thicker than standard 3mm yoga mats, these still offer lightweight comfort and are travel friendly
- **CONSCIOUSLY CONSTRUCTED** - Mats contain none of the toxic Phthalates DEHP, DBP, BBP, DINP, DIDP, or DNOP

New (7) from \$16.76 & FREE shipping on orders over \$25.00. Details

Report incorrect product information.

Customers Keep It: This product has a lower than average return rate when compared to similar products.

TRX

Do Wall-Ball Throws, Trunk Twists, Squats, Presses

[Shop now](#)


TRX Medicine Ball 14in Ball 20lb

★★★★★ 4

\$84.71 prime

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Wrist Wraps

PROSOURCE
.NET

FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95

Order Toll Free 1-800-310-1555


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WRIST WRAPS



BY **SCHIEK SPORTS** | ITEM **SCH015**

SIZE	AVAILABILITY	QTY
12 INCHES	MSRP : \$19.95	SALE : \$18.95
12 inch	IN STOCK	<input type="text" value="0"/>
24 INCHES	MSRP : \$24.95	SALE : \$22.95
24 inch	IN STOCK	<input type="text" value="0"/>

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Description

Q & A

Usage


Reviews

Protect and support your wrists with the Schiek® wrist wraps. The heavyweight cotton and elastic wraps are 12-in long and have a wide hook-and-loop closure for a customized fit.

- Thumb loop for easy/ quick wrap
- Heavy duty cotton elastic for maximum support
- Extra wide hook and loop closure
- 12" and 24" sizes
- Package contains two wraps

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WEIGHT LIFTING WRIST WRAP WITH LOOP







Sold Out ★★★★★ (3)




Support and protect your wrists during workouts with ProSource Weight Lifting Wraps. The secure Velcro and thumb loop keep wraps in place to prevent injury and reduce pain during heavy weight lifting, or any exercise that causes wrist strain.

Notify me when this product is available:

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OVERVIEW

ProSource Weight Lifting Wraps protect and support your wrists with comfort and injury prevention in mind. The Velcro fastens securely and is adjustable for a one-size fits all style that includes a thumb loop to keep the wrap from moving during exercise. The unisex design comes in two colors and can be used for weight lifting, CrossFit, even yoga poses that put strain on the wrists. Reduce wrist pain and protect your joints so you can workout with more intensity and endurance.

- Designed to provide firm and reliable support for wrists during weight training

Jump Ropes

FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95

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SPEED JUMP ROPE



BY VALEO | ITEM VAL010



FLAVOR	AVAILABILITY	QTY
1 SPEED JUMP ROPE, SPEED JUMP ROPE	IN STOCK	1
<p>MSRP: \$10.99 SALE: \$6.50</p>		
<p>ADD TO CART</p>		

Speed Jump Rope

Description

Q & A

Usage

Reviews

Speed Jump Rope by Valeo

- Adjustable 10' length
- Durable solid rubber rope
- Molded handles with foam grips
- Sealed ball bearings for even rotation

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Home » Agility & Performance » Jump Ropes » Speed Jump Rope

SPEED JUMP ROPE

\$7.99 ★★★★★ 3 reviews



Struggling with jump roping or perfecting that double under? Jumping rope can be challenging, but there's a way to make it easier! Try a speed jump rope, made super lightweight with durable wire for easy turning and no tangled messes.

Color

Black

Qty

1

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OVERVIEW

The ProSource Speed Jump Rope uses high quality, durable wire cable that makes speed jumping and double unders easy due to its flexibility and resistance to twisting and tangling. It provides smooth rotation needed for specific jumping techniques for CrossFit, boxing, and experienced athletes. It's also a great form of cardio exercise for any fitness level, with lightweight plastic handles that are easy to grip and won't tire out your arms. The cable is adjustable for your height, simply cut and adjust the screws on the handle accordingly. Compact and easy to carry, ropes come in 8 colors to suit your preference and personality.

- Develops coordination, agility, footwork, endurance and overall conditioning

Resistance Bands

FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95

Order Toll Free 1-800-310-1555

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RESISTANCE TUBE

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BY VALEO | ITEM VAL009



FLAVOR	AVAILABILITY	QTY
1 RESISTANCE TUBE		MSRP : \$11.99 SALE : \$6.95
Light	IN STOCK	0
Medium	IN STOCK	0
Heavy	IN STOCK	0
ADD TO CART		

Description

Q & A

Usage

Reviews

Resistance Tube

by Valeo

- 4' of durable rubber tubing for smooth consistent stretch

- Cushioned foam handles for comfortable grip

- Exercises included

To see Supplements Facts here, please click on the flavor you like.

Heavy Resistant Tube

30-DAY MONEY BACK GUARANTEE

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SINGLE STACKABLE RESISTANCE BAND

\$9.99



Whether an expert in the gym, a beginner to working out, or rehabilitating after an injury, ProSource Tube Resistance Bands are an effective form of training that provide variety for your workouts and challenge your muscles in new ways.

Size

8 lb to 12 lb

Qty

1

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OVERVIEW



ProSource Resistance Bands provide a full-body workout in one convenient, safe, and easy to use piece of fitness equipment. Available in varying resistance levels, fitness bands allow you to work from different angles to involve more muscle groups, with a greater range of motion than with traditional weight machine exercises. The colors indicate progressive resistance levels, ranging from two to 50 pounds, making them an excellent tool for any level of fitness. Each resistance tube is 48 inches long and lightweight, and the flexible design improves strength, balance and coordination. Large, cushioned foam handles provide a comfortable fit and grip, and a door anchor makes it possible to perform exercises anywhere! It's the complete package for people trying to stay fit and healthy while on the run. Resistance Levels • Green- 5

Knee Wraps

FREE SHIPPING ON ORDERS OVER \$200
*Every Day Flat Rate Shipping \$5.95

Order Toll Free 1-800-310-1555

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KNEE WRAPS


 BY **SCHIEK SPORTS** | ITEM **SCH017**


COLOR	AVAILABILITY	QTY
1 KNEE WRAP MODEL 1178	MSRP : \$29.95	SALE : \$34.95
1 KNEE WRAP	MSRP : \$29.95	SALE : \$34.95
ADD TO CART		

Description	Q & A	Usage	Reviews
-------------	-------	-------	---------

- 78" Cotton Elastic Knee Wraps
- Heavy duty cotton elastic for maximum support
- Full 78" Length
- 3" width
- Proudly made in the USA

30-DAY MONEY BACK GUARANTEE

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KNEE SLEEVES

\$12.99 ★★★★★ (1)



Is knee pain preventing you from lifting as heavy and frequently as you would like? Reduce discomfort and speed recovery time with ProSource Knee Sleeves for squats, CrossFit, and weightlifting. Get comfortable compression in colorful styles for both men and women.

Color

Qty

Purple-Small

1

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OVERVIEW



EXHIBIT E

Example 1



Michelle McEwan <michellek@prosource.net>

Fwd: Order #2919 confirmed

2 messages

Betsy Hughes <betsy@prosource.net>
To: Michelle McEwan <michellek@prosource.net>

Thu, May 4, 2017 at 12:01 PM

----- Forwarded message -----

From: **Betsy Hughes** <betsy@prosource.net>
Date: Wed, Feb 15, 2017 at 5:55 PM
Subject: Re: Order #2919 confirmed
To: [REDACTED]

Hi Savannah,

I'm sorry but you have the wrong company. We are Prosource.net and do not carry the products you listed to return. I apologize for any confusion.

Betsy
Prosource Customer Service

On Feb 15, 2017, at 4:22 PM, [REDACTED] wrote:

Hi Betsy

Per the voice mail message I just left you, below please find the original confirmation email that ProSource sent out when they received the order. Kindly email an RA number to me as soon as possible so that I may return these unused, unopened items. Your prompt attention will be appreciated.

Thank you,

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
Sent: Monday, February 13, 2017 6:53 PM
To: [REDACTED]
Subject: Fwd: Order #2919 confirmed

Sent from my iPhone

Begin forwarded message:

From: ProSource <support@prosourcefit.com>
Date: January 18, 2017 at 12:22:56 AM EST
To: [REDACTED]
Subject: Order #2919 confirmed

FREE SHIPPING ON ALL ORDERS OVER \$39.00



Dear [REDACTED],

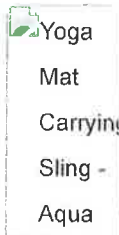
Thank you for shopping with ProSource. We hope our products inspire you to enjoy a healthy, active lifestyle!

This email is to confirm your recent order. Your order confirmation number is #2919.

You can track the status of your order:

TRACK

Date 01/17/2017



Yoga Mat Carrying Sling - Aqua ProductVariantDrop

\$5.99



2-in-1 Spike Massage Roller 24"x5"/ 12"x5" - Blue ProductVariantDrop

\$39.99

Subtotal	\$39.09 USD
Discount (code: SIGNUP15)	\$-6.89 USD
Shipping	\$0.00 USD
Total	\$39.09 USD

Shipping address



Billing address



Example 2



Michelle McEwan <michellek@prosource.net>

Fwd: Amazon Research Completed for ProSource Pilates Resistance Ring 14" Dual Grip Handles for Toning and Fitness-Choose Your Color

2 messages

Kelly Conklin <kelly@prosource.net>

Thu, May 4, 2017 at 11:58 AM

To: "Michelle.Kennedy" <Michelle.Kennedy@prosource.net>

here it is

----- Forwarded message -----

From: [REDACTED] >

Date: Wed, May 3, 2017 at 10:38 AM

Subject: Amazon Research Completed for ProSource Pilates Resistance Ring 14" Dual Grip Handles for Toning and Fitness-Choose Your Color

To: harryf@prosource.net, kellyc@prosource.net

Hi,

I took the opportunity to go over your Amazon Customer Reviews for ProSource Pilates Resistance Ring 14" Dual Grip Handles and the results are as follow:

38 Critical Reviews UN-ANSWERED by either Seller or Brand.

Majority of Questions UN-ANSWERED by either Seller or Brand.

18 Positive Reviews (12 Months) UN-ANSWERED by either Seller or Brand with 'Other product suggestions' or 'We are glad you are happy' Responses.

My name is [REDACTED] and I'm the founder of a new family run company that specializes in Amazon Customer Service. I can personally manage your Amazon Customer Reviews every single day and make sure your customer's needs are being met.

I would like to offer you my services to fix this problem ASAP and start giving your customers the service that ProSource is capable of.

You can watch this quick video here to see how it works.



You can subscribe your products directly through the website where I will personally manage your account. You can cancel your subscription at any time.

I would love to have the opportunity to discuss this further with you if you wish.

Example 3

Scott Charney

From: Michelle McEwan <michellek@prosource.net>
Sent: Tuesday, August 1, 2017 3:00 PM
To: Scott Charney
Subject: Fwd: Instructions

Hi Scott,
See below. We received another email confusing the 2 companies.
Michelle

----- Forwarded message -----

From: **Web Master** <webmaster2231@prosource.net>
Date: Tue, Aug 1, 2017 at 2:58 PM
Subject: Fwd: Instructions
To: Michelle McEwan <michellek@prosource.net>

----- Forwarded message -----

From: [REDACTED] >
Date: Tue, Aug 1, 2017 at 1:28 PM
Subject: Instructions
To: customerservice@prosource.net

Hi. I bought my son the pro source multi grip pull up bar and he seems to have misplaced the instructions. Can I find them online or on your website?
Thank you

Sent from my iPhone